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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14045 of 2022 and
W.M.P.(MD)No.10021 of 2022

A.Sahaya Selvaraj ... Petitioner

Vs.

1. The Inspector General of Registration,
   Door No.100, Santhom High Road,
   Chennai – 28.

2. The District Registrar (Administration),
   Madurai North,
   Madurai.

3. The Sub Registrar,
   Alanganallur,
   Vadipatti Taluk,
   Madurai District.

4. R.Ganapathy Kudumbanar ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.67/AA1/2021 dated 10.11.2021 and quash the same as illegal and consequentially to direct respondents 1 to 3 to register the sale deed dated 23.11.2021 executed by the petitioner in favour of Mr.Aravindan in respect of the

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agricultural land admeasuring an extent of 25 cents comprising in re-survey No.326/7 (patta No.1662) at Adhanur Village, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.K.Govindarajan,
for Mr.V.P.Rajan.

For R-1 to R-3 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-4 : Mr.T.Lajapathi Roy

* * *

O R D E R

Heard the learned counsel on either side.

2. The writ petitioner owned a large extent of agricultural land in the petition mentioned villages. He parcelled out his lands and sold the same. The case on hand involves one such transaction. The contention of the learned counsel appearing for the private respondent is that without getting permission from the competent authority to convert the agricultural lands into residential plots, the transactions are being concluded.

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3. I went through the schedule set out in the petition mentioned sale deed. The land in question has been described only as an agricultural land. A learned Judge of this Court vide Order dated 15.04.2021 in W.P.(MD)No.7801 of 2021 (T.Maragathamani V. The District Registrar, Thoothukudi District and one other) had held as follows:-

> " 12. ... There shall be a direction to the second respondent to entertain the sale deed presented by the petitioner for registration after ensuring that the petitioner is dealing with the property only as a punja land and not as a housing plot. Once necessary stamp duty and registration charges are paid, the document can be registered and it can also be released. "

4. The petitioner undertakes to include a recital in the document that if the purchaser wants to develop the land or put up any construction, he will do so only after getting permission from the competent authority concerned for re-classification of the land from the agricultural land to the non-agricultural land.

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5. Once the petitioner is willing to incorporate such a condition, the registering authority cannot have any objection for entertaining the same. In this view of the matter, the petitioner is permitted to re-present the document in question by incorporating the petition mentioned recital. The registering authority / third respondent is directed to receive the same, register it and release it subject to the fulfilment of the other usual formalities.

6. The learned counsel appearing for the fourth respondent has few other complaints against the writ petitioner. According to him, the petitioner had committed encroachment on the public pathway. He would allege that the illegal mining is going on. If the fourth respondent has such grievance, it is open to the fourth respondent to take legal action in accordance with law. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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